

## Office of Professional Accountability (OPA) Commendations & Complaints Report Aug 2004

### Commendations:

Commendation Received in Aug: 44

Commendations Received to Date: 503

Rank	Summary
(1) Officer	An officer received a commendation for his patience and calm demeanor when he dealt with a volatile incident. The victim appreciated the sensitivity of the officer and how the situation was handled.
(1) Captain (1) Detective (1) Recruit (1) Civilian	Four Seattle Police personnel participated in a very important national study outlining guidelines for infant death investigations. Their participation and valuable research was greatly appreciated.
(1) Officer	An appreciation letter was received for an officer's time and effort in testifying in a child safety trial.
(1) Officer	A victim's purse was stolen and later recovered with most of the contents intact. The officer went out of his way in a caring and thoughtful manner and assisted in the recovery of the stolen item.
(1) Officer	A vehicle was reported stolen and an officer responded to take the report. The officer's attitude and professionalism were appreciated. His words of encouragement meant a great deal.
(2) Officers	The compassion and professionalism were evident in planning the funeral services for a fallen officer. The designated church was grateful for the teamwork in the coordination of services.
(1) Officer	A senior citizen commended an officer for outstanding and professional demeanor. The citizen stated that the officer was remarkable and his sensitivity to senior citizens as victims and superior ability to work productively across racial, age and gender lines was certainly an asset to the department.
(1) Officer	A detective's participation and assistance in an investigative presentation had a tremendous impact on law-enforcement personnel. The program and process explained is a valuable tool in the investigation of criminal identity in solving crimes.
(1) Sergeant (1) Detective	A citizen commended a sergeant and detective for the work they did to rid the neighborhood of a crime ring involved in stolen property and prostitution. The citizen was very impressed with the communication and solution to resolve the problems.
(1) Officer	An officer was commended for the handling of a stolen vehicle report.
(4) Officers	Four officers were commended for their commitment to stop a particular series of car prowls. All the officers worked together, exchanged information and devised a plan for the eventual arrest of suspects. Numerous car prowls were cleared up and property was recovered.
(1) Lieutenant	During the National Governors' Association convention the American Disabled for Attendant Programs Today lobbied for policy issues. Appreciation was extended to a lieutenant for the coordination, timing and route of the parade and rally. He was professional, friendly and cooperative while creating a route that would be safe for numerous wheelchair users.

(1) Officer	An officer was dispatched to a routine car prowl theft investigation and examined the vehicle for latent prints. The victim's stolen briefcase contained valuable and sensitive information. The officer conducted an exhaustive but successful search in locating the stolen item. The officer did more than what was required or expected in this investigation and turned a devastating incident into a minor property crime.
(1) Officer	A citizen commended an officer for the way a report was handled on an assault. The officer was respectful and professional the entire time and was concerned for safety issues in the surrounding area.
Officers	Officers responded to a call at a business where a suspect threatened harm. The response officers were very thorough in the investigation and their presence was most appreciated.
(1) Officer	An officer was acknowledged for the assistance provided to an out-of-state visitor when his vehicle was stolen and also located in the same afternoon. The officer went the extra mile to help.
(2) Officers	A two-car accident occurred and involved an intoxicated driver. The second driver appreciated the outstanding service from the responding police officers. They were extremely helpful, considerate, and addressed the situation in an extremely professional manner.
(1) Detective	Citizens were surprised and taken aback when a detective contacted them regarding their stolen lawn equipment they had not reported missing. The detective explained how the incident transpired and the citizens were grateful for the fascinating detective work and the return of property.
(2) Officers	Two out-of-state visitors were surprised when they learned their vehicle was stolen and had no transportation home. Two officers located the vehicle and the visitors left town with an overwhelming appreciation for the Seattle officers.
(1) Officer	An officer provided insight to a citizen that participated in a ride-a-long. In a few short hours the citizen learned about the incredible impact of the police in the lives of ordinary people.
(2) Officers	Two officers responded to a 911 call where the officer's professional actions and sympathetic ears provided assurance. The officers made suggestions on improvements to resolve the situation and safety issues for future reference.
(2) Officers	Officers were commended for their recovery of a stolen vehicle. The quick response and recovery undoubtedly saved the vehicle from being stripped.
(1) Officer (1) Civilian	A neighborhood watch group informed an officer of a suspected drug house. With the assistance of a crime prevention coordinator, the tenants were vacated from the house. It was reassuring to have police support a problem so quickly.
(1) Officer	A citizen commended an officer on his courteous, helpful and positive approach and setting examples for other police officers. It was refreshing to observe such an event and every person the officer came in contact with was greeted with a smile.
Numerous Officers	Over the last few years a citizen has seen outstanding numerous examples of professionalism by the police department. The public safety situations were handled efficiently and professionally.
(2) Officers	An individual was despondent and sought out assistance of several officers. The officers were equipped with the tools needed to recognize the individual was unstable and assisted in providing the medical help he needed. The individual appreciated what they did for him and wanted to say thank you.
(1) Officer	An officer was very professional and showed sensitivity to senior citizens as victims. His superior ability to work productively across racial, age and gender lines is an asset.
(1) Officer	An officer was commended for the immediate and professional medical response that was instrumental in saving a life. The patient has now made a complete recovery.

(1) Officer	A couple living out of state were very concerned about a family member's welfare and contacted an officer expressing their concerns. Through communication and investigation all turned out well. The family was delighted to have had such a positive experience and assistance.
(1) A/Chief (1) Captain (1) Lieutenant	A special thank you and commendation for the leadership and exceptional planning abilities during the recent visit of the President of the United States was received. The professionalism, expertise and dedication of all involved were exemplary.

## Aug 2004 Closed Cases:

*Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.*

*Cases are reported by allegation type. One case may be reported under more than one category.*

### UNNECESSARY FORCE

Synopsis	Action Taken
The complainant alleged that named officers used unnecessary force against a subject on the ground.	The evidence showed that while investigating an assault, the subject ran from officers. During the foot pursuit, the subject tried to carjack an occupied van. The evidence indicates the subject was under the influence of narcotics. An anonymous complainant and two other witnesses stated that the force used to effect the arrest was excessive. The two officers state that they believed the subject was armed, and that he refused commands to remove his hands from his pockets. One officer stated he tried to kick the subject's hands from his pockets, while the other officer deployed his taser. The force used was documented, screened, and reported. The evidence in the case was conflicting as to the need for the kicks. Finding as to one officer – NOT SUSTAINED. Finding as to second officer – EXONERATED.
Complainant alleged that the named officers used unnecessary force on him and his friend when they were removed from a Seahawks game.	The evidence indicates that both subjects were intoxicated and causing a disturbance at a Seahawks game. Security personnel and the named employees, who were working off-duty, removed the subjects and at least one other person from the stadium. The facts surrounding the complainant's removal by one of the named officers were in dispute, and there was not enough evidence to prove or disprove his allegations. Finding – NOT SUSTAINED. The facts surrounding the other subject's encounter with the other named employee were clearer. Two witnesses support the officer's version, substantiating that no force was used. Finding – UNFOUNDED.
Complainant alleged that the named officers used unnecessary force during her arrest.	The named officers responded to a DV-related 911 call and proceeded to arrest the complainant. The evidence indicates that she was under the influence of drugs, refused to comply with orders, and was combative with both officers and responding medical personnel. The force used to take her into custody was documented, screened, and reported. Finding – EXONERATED.
The complainant alleged the named employee used force during his arrest.	The evidence showed that the named officer approached the complainant after he had broken glass on the sidewalk. The complainant was uncooperative, and would not provide his identification so he could be cited for littering. The named

	officer stated that he found turned the subject around, placed him against a tree, and handcuffed him. An independent witness stated the complainant was uncooperative, and that the officer handled him gently. The complainant's statements were unreliable and inconsistent over time. The evidence indicates that the force alleged by the complainant did not happen. Finding – UNFOUNDED.
Complainant alleged the named officer used unnecessary force against him while he was in custody at a police facility.	The evidence did not support the complainant's allegation. The named officer denied using any force on the complainant, and states the arrests of the complainant and his acquaintance were without incident. A witness officer testified that he had most of the contact with the complainant, and that neither he nor the named employee used any force. Booking photos do not show injuries consistent with the force alleged; the complainant's acquaintance gave a different version than the complainant; and the complainant waited six months to make a complaint. Finding – UNFOUNDED.
The complainant alleged that the named officers broke his thumb and finger following an arrest. He also alleges that money was missing from his wallet.	The investigation showed that the complainant is a violent criminal who was arrested for stabbing two people. Photos taken by detectives of the complainant's hands show no abnormality, and the complainant did not complain of injury at the time of his arrest. Medical records do not indicate any broken bones. Further, during his interview, the complainant punched a wall several times with his allegedly injured left hand. The named officers deny using any force on the complainant. He was handcuffed without incident after being ordered to the ground by a sergeant. Finding – UNFOUNDED.  There is no evidence to indicate that any money was taken from his wallet. The complainant was under the influence of drugs at the time of his arrest. His few belongings were inventoried at jail. Finding as to Failure to Safeguard – UNFOUNDED.
Complainant alleged officers used unnecessary force in the arrest of the subject and his mother following a disturbance call.	A thorough investigation was conducted. The force described by the complainant witness is similar to the force described by the named officers. Both the subject and the witness state that the subject was compliant and the force unnecessary. Both named officers state that the subject swung at and fought with officers. One of the named officers did call for a fast back-up, and a third officer who arrived stated that the subject was struggling with the named officer. The subject declined to give a statement to OPA-IS. There is not enough evidence to prove or disprove that the named officers used unnecessary force. Finding – NOT SUSTAINED.
Complainant alleged the named officers used unnecessary force when arresting the subjects following a disturbance outside a downtown club.	The evidence indicates that the subjects fought with private security guards. The named officers were summoned by the guards to assist them. The named officers did use some force to control the subjects. The force used was documented, screened, and reported. The club employees who witnessed the event stated that the officers did not use unnecessary force. The subjects declined to participate in the investigation. Finding – EXONERATED.
Complainant alleged that the named employee slammed him	An investigation did not produce evidence supporting the complainant's allegation. The named employee denies

against a wall during his arrest, injuring his jaw.	using any force on the subject; all witness officers state the complainant had no visible injuries and did not complain of any injuries; the complainant did not complain of any injuries nor request medical attention when booked at the jail. The evidence indicates that the complainant was intoxicated at the time of his arrest, and he did not cooperate with the investigation, so no medical records could be obtained. Finding – UNFOUNDED.
Complainant alleged the named officer used unnecessary force when she was arrested for obstruction. She also alleged that named officers did not provide their identification when asked.	The evidence does not support that the named officer used unnecessary force. Though the complainant had bruising on her upper arm, it was unclear whether this was caused by the officer or, if caused by the officer, was the result of a standard escort hold. Finding – EXONERATED. The evidence also supports that the officers were wearing visible nametags on their uniform and pointed out that their names were noted on the jail booking form. Finding as to Failure to I.D. – EXONERATED.
The complainant alleged the named employee used unnecessary force when he detained and handcuffed her during an investigation.	The named employee contacted the complainant as a witness in a homicide case. She became hostile and flailed her arms, striking the named employee. She was handcuffed and transported to the homicide unit for questioning. There was no evidence to support other than routine handcuffing, and the complainant refused to participate further in the investigation. Finding – EXONERATED. However, the facts did raise concerns about the legal justification for the detention, and a recommendation for training for the unit was made.
The complainant alleged the named employees used excessive force while investigating a domestic disturbance.	The evidence indicates the complainant was intoxicated and refused to leave when asked by his ex-girlfriend. The named employees responded and found the complainant intoxicated and uncooperative. They escorted the complainant to the street and let him go. They denied using any force on the complainant at all. The complainant's ex-girlfriend did not see the entire interaction but felt the officers were nice. She watched the officers walk the complainant to the street and did not observe any injuries. The complainant gave a conflicting statement to another law enforcement agency, and was observed to have no injuries except a minor cut on the elbow. Finding – UNFOUNDED.

**SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY**

Synopsis	Action Taken
Complainant alleged that the named officers had taken money from his wallet during a traffic stop.	An investigation established that the complainant was asked to step out of the car when it was discovered that he had a suspended drivers license. One officer patted him down while the other searched the vehicle prior to impound. The complainant stated that one of the officers searched through his wallet, and he later noticed that money was missing. Both officers deny searching the subject's wallet, and state that the complainant was instructed to place his wallet on the patrol car. It is unclear which officer gave the wallet back to the subject. There is no way to prove or disprove the allegation. Finding – NOT SUSTAINED.

Complainant alleged the named officers failed to safeguard many personal items in his possession at the time of his arrest.	The complainant was found at an encampment and arrested on a felony warrant. The officers state that they transported several of the complainant's personal items, but not the expensive electronic equipment he alleged. The officers gave consistent, credible descriptions of their contact with the complainant. The complainant made several contradictory and unsupported statements. There was no evidence to support that the complainant had the claimed items in his possession at the time of his arrest. Finding – UNFOUNDED.
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**CONDUCT UNBECOMING AN OFFICER**

Synopsis	Action Taken
Complainant alleged that the named employee used unprofessional and threatening language during a contact with a youth at University Avenue	The investigation showed that the complainant and subject lacked credibility. Both failed to respond to requests for contact, and their allegations were inconsistent and unsupported and were denied by the named and witness officer. The complainant had a pattern of making unsupported complaints against the named officer. Finding – ADMINISTRATIVELY UNFOUNDED.
Complainants alleged that named officers used a rude/profane term when removing them from a nightclub. It was also alleged that the officers lost the complainants' car keys and a necklace.	The evidence is conflicting about the use of the rude term. The officers deny using it; the complainants were intoxicated. Finding as to CUBO – NOT SUSTAINED. The evidence did not support the allegation of Failure to Safeguard Property. Booking sheets show the keys were logged in as personal property, and the complainant later denied missing a necklace. Finding – UNFOUNDED.
Complainant alleged the named officer was rude and used profanity toward him during an incident at Alki Beach.	The complainant could not be contacted after numerous efforts to locate him. The evidence indicates that the complainant intentionally provided bad contact information. Finding – ADMINISTRATIVELY UNFOUNDED.
Complainant alleged that when the named employees contacted him in Occidental Park, they failed to return his keys, pulled his cap over his eyes, and failed to identify themselves when asked.	The investigation showed that the complainant's set of keys was returned, but that one single key may have been lost. It is more likely that the complainant dropped or lost the key on his own. Finding as to Failure to Safeguard – EXONERATED. No evidence supported that the officers pulled a cap over his eyes. The complainant's credibility on this point is highly questionable. Finding as to CUBO – UNFOUNDED. Both officers deny that the complainant ever asked for their I.D. The complainant conversed with the sergeant at length, and the sergeant stated the complainant never asked for the officers' identity. Finding as to Failure to I.D. – UNFOUNDED.
Complainant alleged the named employee pointed his firearm at him based only upon the knowledge that the complainant was a convicted sex offender.	The investigation established that the named officer was assisting the Department of Corrections in locating a Level III sex offender who was possibly involved in narcotics and prostitution activity. The named officer was sitting in his patrol car observing the complainant's vehicle when the complainant approached the patrol car rapidly on foot. The officer states he was concerned for his safety and drew his firearm and ordered the complainant and his acquaintance to place their hands on the patrol car. When they did so, he re-holstered his weapon. The officer's actions were reasonable and within policy. Finding – EXONERATED.

The complainant alleged that the named employees exceeded the scope of their authority in making a warrant arrest of her son. It was also alleged that in doing so, the officers were profane and rude, and refused to provide identification when asked.	The facts showed that the subject, the arrestee, made the complaint in his mother's name without her knowledge. The mother declined to participate in the investigation. No witnesses were interested in going forward, despite contact letters and telephone contacts being made. The subject's credibility is questionable. Finding – ADMINISTRATIVELY UNFOUNDED.
It was alleged that the named officer was rude and refused to identify himself when the complainants confronted him about a jaywalking ticket he had written to another citizen.	The complainants gave consistent accounts of the incident. However, they did not report the complaint to OPA until approximately nine months after the incident, and could not identify the date. The named officer stated that he did not remember the incident. Finding as to CUBO and Failure to I.D. – NOT SUSTAINED.
Complainant alleged his handcuffs were applied so tightly they caused a broken bone.	The investigation produced evidence that disputed the complainant's claims. Pictures taken of his hands showed the handcuffs were loose enough to have slid partially down onto his palms. The complainant declined to be interviewed in connection with his complaint. Finding – UNFOUNDED.
The complainant alleged the named employee yelled at him and used profanity when the complainant's boat was approaching a blocked-off dive scene in Lake Union.	The named employee admitted to using the word "idiot" when yelling at the complainant to stop. He denies using profanity. The complainant and two other people on his boat stated that the employee used profanity. The preponderance of the evidence indicates that the employee did use profanity. Further, though the employee was involved in a serious incident, use of the word "idiot" was unprofessional. Due to the unusual circumstances confronted by the employee, the finding was REFERRAL FOR TRAINING.

**FAILURE TO I.D. SELF**

Synopsis	Action Taken
Complainant alleged that the named officers failed to identify themselves when asked.	The evidence showed that the complainant obtained the officers' names at the time of contact. The complainant stated that he wrote the names down from their nametags at the scene; the officers state that they provided their names to the complainant. Finding – NOT SUSTAINED.
The complainant alleged that the named officers were in Volunteer Park and that they refused to identify themselves when asked.	The investigation showed that the complainant had numerous previous contacts with the named officers. They denied that the complainant asked them for their identification on the date in question, and state that the complainant knew their names from previous encounters. The complainant's statement confirms that he knew their identity. Finding – UNFOUNDED.

**VIOLATION OF LAW**

Synopsis	Action Taken
Complainant alleged an unknown employee took an expensive watch from a locked glove box in a vehicle that was taken to a tow lot following a narcotics arrest.	The subject was driving the complainant's vehicle when he was arrested for narcotics. The complainant was not at the scene. The subject, the alleged owner of the watch, never contacted SPD or OPA to allege his watch was taken; further, neither he nor his passengers cooperated with the investigation. After her initial complaint, the complainant also ceased further communication with OPA. The officer who searched the vehicle denied seeing or taking a watch.

	No evidence exists that supports that there was a watch in the vehicle, much less that an SPD employee took it. Finding – ADMINISTRATIVELY UNFOUNDED.
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**Definitions of Findings:**

**“Sustained”** means the allegation of misconduct is supported by a preponderance of the evidence.

**“Not sustained”** means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

**“Unfounded”** means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

**“Exonerated”** means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

**Referred for Supervisory Resolution.**

**Training or Policy Recommendation** means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

**“Administratively Unfounded/Exonerated”** is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee's actions were found to be justified, lawful and proper and according to training.

**“Administratively Inactivated”** means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

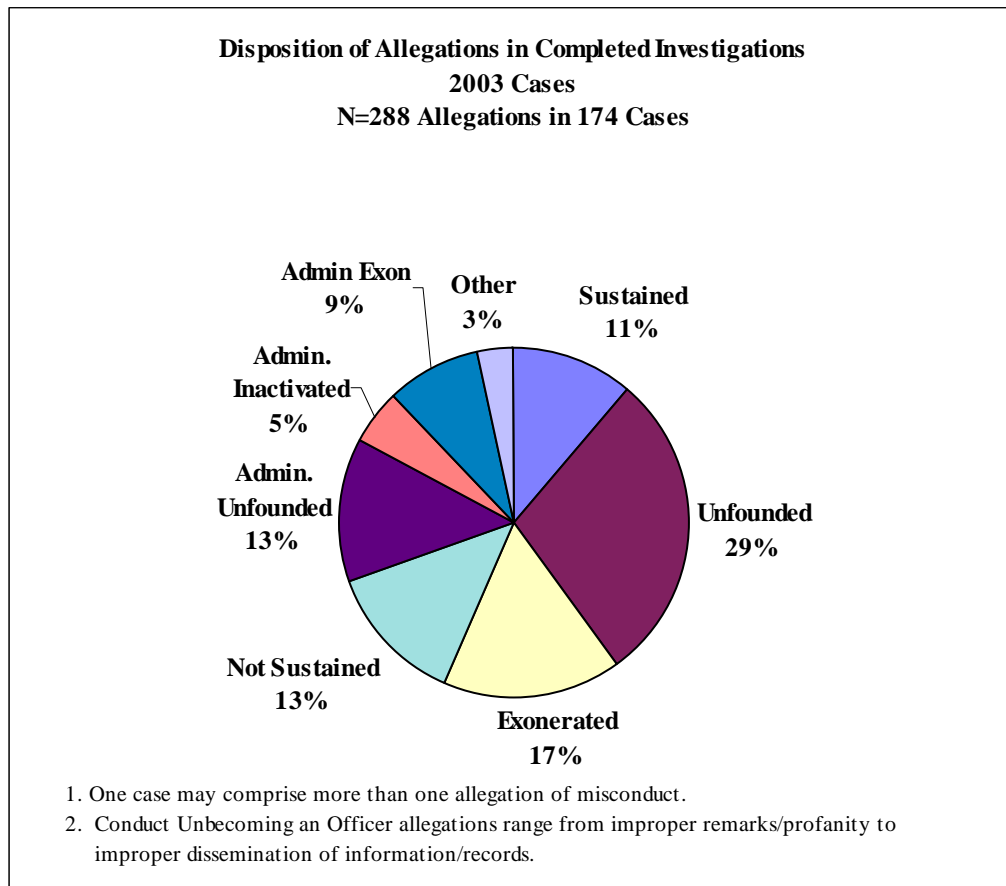


## Status of OPA Contacts to Date:

### 2003 Contacts

	December 2003	Jan-Dec 2003
Preliminary Investigation Reports	7	415
Cases Assigned for Supervisory Review	2	79
Cases Assigned for Investigation (IS;LI)	10	185
Cases Closed	8	174
Commendations	70	861

\*includes 2003 cases closed in 2004



### 2004 Contacts

	Aug 2004	Jan-Dec 2004
Preliminary Investigation Reports	18	196
Cases Assigned for Supervisory Review	2	33
Cases Assigned for Investigation (IS;LI)	13	130
Commendations	44	503